

RESPONSE under 37 C.F.R. § 1.111
U.S. Appln. No. 10/756,098

REMARKS:

Claims 1-28 are all the claims pending in the present application. Claims 1-28 stand rejected. Reconsideration and allowance of all pending claims are respectfully requested in view of the foregoing amendments and remarks that follow.

CLAIM REJECTIONS.

Double Patenting

Claims 1-28 stand provisionally rejected under 35 U.S.C. § 101 as claiming the same invention of the parent application. Applicant is expressly abandoning the parent application in favor of the instant application and thus this rejection should become moot. Applicant has also amended the instant specification to reflect the abandoned status of the parent application. Reconsideration and withdrawal of this rejection is requested in view thereof.

35 U.S.C. § 102(b)/103(a)

Claims 1, 6, 11 and 17 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 6,690,327 to McKinzie, III et al. (hereinafter "McKinzie"). Further, claims 2-5, 7-10, 13, 18-19 and 21-28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over McKinzie in view of U.S. Patent Application 2004/0075617 to Lynch et al. (hereinafter "Lynch"). Applicant respectfully traverses these rejections for the following reasons.

It is well established that a finding of anticipation under 35 U.S.C. § 102 requires that each and every limitation of the rejected claim be disclosed (expressly or inherently) by a single prior art reference. (MPEP 2131 citing *Verdegall Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). Further, to establish a *prima facie* case of obviousness under 35

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U.S.C. § 103, the combination of cited prior art references must disclose or suggest each of the applicants claimed features.

In the instant rejections, the Office Action relies solely on McKinzie to disclose Applicant's claimed VHF antenna (claim 1) and/or aircraft antenna (claim 21, 25). Applicant respectfully disagrees. Applicant has thoroughly examined McKinzie and is unable to identify any portion thereof which specifies any particular type of antenna. In fact, McKinzie simply generally discloses that "an antenna (not shown) [may be] formed in part by the reconfigurable artificial magnetic conductors (RAMCs)." Col. 6, ll. 30-31. While McKinzie does disclose the RAMC 200 may be configured for use in the VHF range, it simply does not disclose a VHF antenna, and certainly fails to teach or suggest an aircraft antenna. Lynch fails to make up for this deficiency of McKinzie and thus even in combination, the cited prior art references fails to teach or suggest the use of a VHF/aircraft antenna.

Applicant respectfully submits that this is because such a system has not been contemplated prior to Applicant's invention and refers the Examiner to the instant specification at pg. 1, ll. 6-13 and pg. 5, ll. 15-22 for a discussion of the problems associated with aircraft antenna interference. Applicant further submits several limitations of Applicant's dependent claims are not disclosed by the cited combination including, for example:

- ionizing particles (claims 7,28)
- coil (claim 15)
- aircraft VHF communications system (claim 22)
- ILS or VOR system (claim 26)

Because McKinzie and Lynch, taken alone or in combination, fail to teach or suggest at least the use of an aircraft antenna, Applicant's independent claims 1, 17, 21 and 25, or the

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claims which depend there from, cannot be anticipated or rendered obvious by the cited prior art of record. Accordingly, reconsideration and withdrawal of these rejections are respectfully requested. In the event the Examiner disagrees with Applicant, the Examiner is kindly requested to point out with particularity, where in the cited references, an aircraft antenna or the additional limitations discussed above are disclosed or suggested.

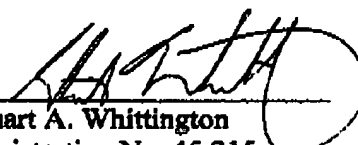
ALLOWABLE SUBJECT MATTER.

Claims 12, 14-16 and 20 have been indicated to include allowable subject matter but are objected to as depending on a rejected base/intervening claim (Applicant notes claim 13 depends from claim 12 and thus should necessarily include allowable subject matter. Applicant kindly thanks the Examiner for the indication of allowable subject matter and, by this Amendment, amends claim 12 into independent form. Accordingly, claims 12-17 should now be allowable and such indication is requested in the next official communication.

CONCLUSION.

In view of the above, reconsideration and allowance of this application is now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below. Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee or deficiency thereof, except for the Issue Fee, is to be charged to Deposit Account # 50-0221.

Respectfully submitted,


Stuart A. Whittington
Registration No. 45,215

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Intel Corporation
(480) 715-3895

c/o
Blakely, Sokoloff, Taylor & Zafman, LLP
12400 Wilshire Blvd., Seventh Floor
Los Angeles, CA. 90025-1026
(503) 264-0967

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